

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI  
SOUTHERN DIVISION**

**JESSICA C. MCGLOTHIN**

**PLAINTIFF**

**VERSUS**

**CAUSE NO.: 1:17-cv-83-LG-RHW**

**ANDREW W. MASON, CITY OF  
BILOXI, BILOXI FIRE DEPARTMENT, and,  
STATE FARM MUTUAL INSURANCE  
COMPANY**

**DEFENDANTS**

**PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS PROPOUNDED TO  
THE DEFENDANT, STATE FARM MUTUAL INSURANCE COMPANY**

The Plaintiff, Jessica C. McGlothlin, by and through her undersigned attorney of record, requests that the Defendant, State Farm Mutual Automobile Insurance Company, to answer the following Request for Admissions pursuant to Rule 36 of the Federal Rules of Civil Procedure. The Defendant is put on notice that the Plaintiff will seek any and all costs, including but not limited to attorneys' fees, pursuant to Rule 37(c) of the Federal Rules of Civil Procedure, for any denial which is later proven.

1. Admit that State Farm Insurance policy number 086799824A, issued to Devalera F. McGlothlin was in full force and effect on February 15, 2016.

2. Admit that State Farm Insurance policy number 086799824A, issued to Devalera F. McGlothlin afforded uninsured motorist coverage of \$25,000.00 per person, and \$50,000.00 per accident.

3. Admit that State Farm Insurance policy number 086799824A, issued to Devalera F. McGlothlin covered Ms. McGlothlin's 2004 Buick Rendezvous.

4. Admit that State Farm Insurance policy number 086799824A, issued to Devalera F. McGlothin provides coverage when Ms. McGlothin was struck and injured by an vehicle that was deemed “uninsured.”

5. Admit that Ms. McGlothin’s 2004 Buick Rendezvous was involved in an accident on February 15, 2016.

6. Admit that the driver of the 2004 Buick Rendezvous at the time of the accident was the Plaintiff in this matter, Jessica McGlothin.

7. Admit that there are no policy exclusions which would prevent Jessica McGlothin, the insured’s daughter, from being covered in the case of an accident while driving the 2004 Buick Rendezvous.

8. Admit that the Plaintiff, Jessica McGlothin was struck by a vehicle owned by the City of Biloxi, Mississippi.

9. Admit that the City of Biloxi, Mississippi is entitled to sovereign immunity as defined in the Mississippi Code, and as such can only be civilly liable in situations in which their driver acted in “reckless disregard.”

10. Admit that the driver of the City of Biloxi’s vehicle did not act in “reckless disregard” in this accident.

11. Admit that you were provided a copy of a letter from Associated Adjusters, who was acting on behalf of the City of Biloxi, which claimed sovereign immunity.

12. Admit that you were provided with a copy of Mississippi Code Ann. §83-11-103(c)(vi), by counsel for the Plaintiff.

13. Admit that you are denying coverage for uninsured motorist benefits for the Plaintiff.

14. Admit that your sole source of denial of uninsured motorist benefits is the reasoning articulated in your letter dated October 7, 2016 (attached herewith as Exhibit "A").

RESPECTFULLY SUBMITTED, this the 5th day of February, 2018

COUNSEL FOR THE PLAINTIFFS  
MORRIS BART  
1712 15<sup>TH</sup> ST., STE. 300  
GULFPORT, MS 39501  
(228)432-9000

/s./ M. Scott Bishop  
M. SCOTT BISHOP (MSB# 102699)

### **CERTIFICATE OF SERVICE**

I, M. Scott Bishop, do hereby certify that on this the 5th day of February, 2018, I electronically filed a Notice of Service with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Mr. John A. Banahan, Esq.  
Mr. Calen J. Wills, Esq.  
Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC  
P.O. Drawer 1529  
Pascagoula, MS 39568-1529

/s/M. Scott Bishop  
M. SCOTT BISHOP